

REMARKS

Following entry of the above amendments, Claims 52 and 54-75 are now pending. Claims 1-51 and 53 are herein cancelled without prejudice as being directed to non-elected subject matter. Claim 52 is herein amended to incorporate the subject matter of now cancelled claim 29. Dependent claims 54-75 are presented to further define the invention, and are substantially similar to now cancelled claims 30-51. No new matter is added by addition of these new claims.

Restriction Requirement

The Examiner restricted the application to one of the following inventions per 35 USC §121:

Group I, claims 1 and 4-26, drawn to an acne treatment regimen;

Group II, claim 27, drawn to an acne treatment kit;

Group III, claim 28, drawn to a composition having an anti-acne active and a combination of farnesol and sodium hyaluronate;

Group IV, claims 29-51, drawn to an acne treatment regimen having salicylic acid as the anti-acne active;

Group V, claim 52, drawn to an acne treatment kit having salicylic acid as the anti-acne active; and

Group VI, claim 53, drawn to a composition having an anti-acne active and a combination of farnesol and sodium hyaluronate.

Applicant herein elects without traverse the claim of Group V, claim 52, for prosecution at this time. Applicant reserves the right to file divisional applications on the unelected subject matter in Groups I-IV and VI. Applicant further submits that claims 54-75 encompass and read on the elected invention.

Species Election:

The Examiner indicated that the application contains claims directed to patentably distinct species of anti-acne active, cleaners (cleansers), and "further comprising" ingredients. The Examiner further indicated that if Applicant elects the invention of Group V, he is required to elect the presence or absence of any "further comprising" ingredients. If Applicant elects the presence of "further comprising" ingredients, he is further required to elect a single species of "further comprising" ingredients for (a) the acne cleaner composition; (b) the acne spot treatment composition; (c) the hydrating day cream composition; and (d) the acne night cream composition.

Lastly, Applicant was also requested to elect a single specific species of cleaner or combination of cleaners.

At the outset, Applicant hereby elects the presence of "further comprising" ingredients. Accordingly, Applicant now elects single species of the various "further comprising" ingredients as follows:

With respect to the "further comprising" ingredients associated with the acne cleanser composition, Applicant herein elects a viscosity booster as recited in claim 63. One example of a viscosity booster is cocamine oxide.

With respect to the "further comprising" ingredients associated with the acne spot treatment composition, Applicant herein elects an exfoliator as recited in claim 65. One example of an exfoliator is lactic acid.

With respect to the "further comprising" ingredients associated with the hydrating day cream composition, Applicant herein elects a humectant as recited in 70. One example of a humectant is pentylene glycol.

With respect to the "further comprising" ingredients associated with the acne night cream composition, Applicant herein elects a skin healer as recited in claim 75. One example of a skin healer is panthenol, also known as provitamin B5.

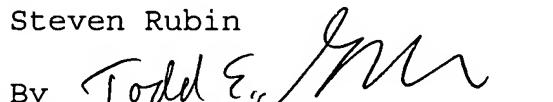
Lastly, with respect to the specific species of cleaner (cleanser), Applicant herein elects sodium olefin sulfonate, as recited in claim 58.

Applicant submits that claims 52, 54-58, and 63-75 read on the species selected above.

If the Examiner believes a telephone conference would aid in the continued prosecution of this application, the Examiner is invited and encouraged to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

Steven Rubin

By   
Todd E. Garabedian, Ph.D.  
Registration No. 39,197  
Attorney for Applicant

WIGGIN AND DANA LLP  
One Century Tower  
New Haven, CT 06508

Telephone: (203) 498-4400  
Fax: (203) 782-2889

Date: 08 FEB 2008